

AREA PLAN COMMISSION OF TIPPECANOE COUNTY

ORDINANCE COMMITTEE

MINUTES OF PUBLIC MEETING

DATE.....September 10, 2002
TIME.....4:45 P.M.
PLACE.....COUNTY OFFICE
BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Jan Mills
Karl Rutherford
Jack Rhoda
Steve Schreckengast
KD Benson

STAFF PRESENT

Sallie Fahey
Bernard Gulker
Kathy Lind
John Burns
Joanna Grama, Atty.

Jan Mills called the meeting to order.

I. APPROVAL OF SEPTEMBER 4, 2002 MINUTES

Sallie Fahey informed the Committee that minutes from September 4, 2002 were not applicable to tonight's topic of Columbian Park. She stated that the minutes included in the packet were from August 20, 2002.

Karl Rutherford confirmed that August 20, 2002 minutes were approved on September 4, 2002.

**II. COLUMBIAN PARK NEIGHBORHOOD ZONING PROPOSAL:
Continued discussion on proposed zoning for the neighborhood.**

Kathy Lind presented a proposal revised on September 10, 2002 and informed the Committee it was not the same zoning map as in their packets. She reviewed changes on Park Avenue from just north of Wallace south to Kossuth as R1 to R2U. Because of the large number of recently discovered duplexes in the area, staff felt R2U zoning was more appropriate than R1U zoning with many R2U "spots".

Steve Schreckengast asked for clarification that this revision included Bob Sexton's brick duplexes.

Kathy Lind confirmed that it did.

Jan Mills briefed the Committee on the status of the motion from the August 20, 2002 meeting. She stated the three areas south of South Street were currently R2, staff recommended MR and the neighborhood was requesting NBU.

Steve Schreckengast asked what the preference of the property owners was.

Bernard Gulker stated the owners and neighborhood want NBU.

Jan Mills asked for clarification that all owners were in agreement with NBU.

Jack Rhoda stated he was against NBU because MR is less intrusive.

Norbert Fisher, 2601 Elizabeth Street, Lafayette, IN 47904, stated his preference for keeping South Street as the dividing line, with MR to the north as per the neighborhood's Plan Amendment.

Jan Mills called for the vote on the tabled motion from August 20, 2002 meeting, to change the three areas south of South Street to NBU. Motion carried by voice vote (5 yes – 0 no).

Jack Rhoda motioned to adopt staff's proposal as a basis for discussion, but including the amendment of MR to NBU south of South Street. Steve Schreckengast seconded. Motion carried by voice vote (5 yes – 0 no).

Jack Rhoda stated his belief that the Committee jumped ahead of themselves with the previous voice vote.

Bernard Gulker clarified that it was a motion to discuss, not a finalization.

Karl Rutherford stated his belief that the Committee should not be overturning recent rezones. He referenced the Frozen Custard property that was rezoned GB and now proposed back to NB.

Karl Rutherford motioned to change the proposal for NB at that location back to GB.

Jack Rhoda asked what staff's reasoning was on their proposal.

Kathy Lind stated that the ordinance was changed specifically because of this GB rezone. Neighborhood restaurants no longer need GB zoning in order to have a drive-thru window.

Steve Schreckengast seconded the motion.

Jack Rhoda stated NB is what the neighborhood wants, just like the MR/NBU issue south of South Street. He said the proposal should be left alone and said he would vote against it.

Sallie Fahey stated GB contradicts current thinking based on the ordinance amendment, that NB is better. She said at the time, a rezone to GB was the only option available to the Lodde family. She stated now that NB allows a drive thru; it would be less intrusive to the neighborhood and a better zoning district.

Karl Rutherford stated it seemed wrong to change to NB after the owner went through due process for a rezone to GB.

Jack Rhoda stated the owner wanted benefits of GB but now we have a procedure for what he needs in the NB district.

Jan Mills stated it is not fair to Charles Lodde to go back to NB.

Charles Lodde, 2319 Wallace Ave, Lafayette, IN, stated he wanted his property to be GB not NB. He said Margy Deverall was wrong in her reasonings for NB. He expressed his frustrations with Margy Deverall's interference. He stated his property would be worth more as GB than NB. He voiced his opinion that the Committee should be concerned with what the owner wanted and not what Margy Deverall wanted.

Karl Rutherford restated the motion to change proposal from NB back to GB. Steve Schreckengast seconded. Motion carried by showing of hands (4 yes – 1 no).

Jan Mills suggested reviewing the remonstrators' list one by one in order to allow audience speakers.

319 South 31st Street, (Duplex- wants to keep existing R2), owner Carl Treece was not present. There were no other speakers from the audience. No motion was made.

33 North 28th Street, (Duplex- wants to keep existing R2), owner Karen Sullivan was not present. There were no other speakers from the audience. No motion was made.

3107, 3109, 3111 South Street, (Two S-F homes – wants to add them to adjacent GB), owner Bob Bouwkamp was not present.

Charles Dye, representing his mother, Alison Dye, stated she did not want these properties, which are across the street from her residence, to be GB, but would rather see staff's proposal remained as is.

No motion was made.

25 North 21st Street, (Five-unit building – wants R3), Joseph T. Bumbleburg, representing the owner Larry Merrill, stated this property has been a five unit building since the 1960's. He said this is affordable housing and fully occupied with a diverse cliental. He recapped the residents. He stated to not give this proper zoning would put Larry Merrill in a bad position, and that would not be fair.

Steve Schreckengast asked how many lots were involved.

Larry Merrill replied two lots were involved.

Karl Rutherford stated the Committee was not focusing on what Larry Merrill's position would be in the event of a catastrophe. He said they were concerned with what the rezone would allow to be built there. He said R2U would not hinder anything.

Joseph T. Bumbleburg stated R2U would make it non-conforming.

Bernard Gulker stated it has been non-conforming its entire history. He presented the option that Larry Merrill has, and has always had, of petitioning for a rezone. He pointed out that that was not normal business for the Ordinance Committee.

Steve Schreckengast stated since it has been the same since the 1960's, making it conforming will allow for proper insurance. He stated that this type of affordable housing was desirable to the area.

Bernard Gulker reiterated that Larry Merrill has had forty years to seek a conforming rezone. He stated there are no free rezones.

Sallie Fahey pointed out there is a vacant lot next-door and advised against R3 zoning for that lot. She stated an R3 zone would open the door for additional development on this vacant lot.

Jack Rhoda stated an R3 zone would contradict everything the Committee has done. He stressed the owner occupancy direction and advised against spot zoning. He pointed out R3 would devalue neighboring land.

Joseph T. Bumbleburg stated there was no scientific evidence neighboring properties would decrease in value. He pointed out that three spot zones were just approved.

Jack Rhoda acknowledged the previous approvals and pointed out he voted against all of them.

Steve Schreckengast stated he still did not see any harm in rezoning the one lot.

Steve Schreckengast motioned to change one lot. The motion died for lack of a second.

2800 Cason Street, (Across from neighborhood boundary-does not want MR zoning for hospital properties), owner David Berkey was not present. There were no other speakers from the audience. No motion was made.

North 27th Street, (Does not want R2U district to expand), owner John Riehle was not present. There were no other speakers from the audience. No motion was made.

1920 Scott Street, (Three-unit building – wants R3 zoning), owner James Irwin was not present. There were no other speakers from the audience. No motion was made.

Village Pantry Blockface, (Prefers neighborhood's proposal of NBU for entire block on Main between Scott and Thompson, not just for VP as per staff's proposal), owners Ed Carlson and Pat Leman were not present.

Steve Schreckengast asked why staff's proposal shows NB for the Village Pantry and not NBU, since the neighborhood wanted NBU.

Kathy Lind stated that the Village Pantry was constructed in a suburban style, parking lot in front, building in back which is what the NB zone permits. NBU requires buildings at the sidewalk.

Steve Schreckengast asked what the biggest harm of NBU was.

Sallie Fahey replied in the event of a catastrophe, the houses could not be rebuilt as residences in NB or NBU.

Steve Schreckengast stated if the owners do not care, why do we.

Sallie Fahey stated that was reverse logic.

KD Benson pointed out that giving the houses' owners NB zoning would bring up the free rezone issue.

Jack Rhoda stated the Committee should take recommendations and if individuals desire changes they should petition on their own.

Norbert Fisher, City Councilman, stated that there would be no harm to the neighborhood, changing this block to NBU from NB.

Steve Schreckengast motioned to change to NBU.

Jack Rhoda stated he disagreed with Mr. Fisher. He said it is already NB. He said he would be voting with the policy of the Plan Commission.

KD Benson seconded motion to change Village Pantry block to NBU as per the neighborhood proposal. Motion denied by show of hands (2 yes – 3 no).

Jan Mills stated Village Pantry block would remain R2U and NB as per staff's proposal.

Kathy Lind stated there is a property zoned R3 at 1716 Thompson Street which has a house that has been converted to apartments. She said it is currently conforming, but with the proposal will be non-conforming. She pointed out when it was converted it went through due process of a rezone.

Karl Rutherford motioned to change proposal back to R3 in keeping with the precedent of upholding rezones that have been through due process. Steve Schreckengast seconded.

KD Benson asked when this property was rezoned.

Kathy Lind stated it was sometime in the 1970's.

Jack Rhoda asked for clarification between Larry Merrill's property and this property.

KD Benson stated the property in question has been through due process for a rezone. Larry Merrill has never attempted to be conforming. She said if there are other individuals who want specific zoning they must come through the APC.

Motion to retain R3 and change proposal was carried by a show of hands (3 yes – 2 no).

Steve Schreckengast asked the record to show that he agreed.

Bernard Gulker suggested R3U zoning instead of R3 as the rest of the area was R2U.

Karl Rutherford motioned to change to R3U. KD Benson seconded. Motion carried by show of hands (4 yes – 1 no).

KD Benson motioned to send amended staff proposal to full Area Plan. Jack Rhoda seconded. Motion was carried by voice vote.

Jan Mills stated the amended proposal would be heard before the Area Plan Committee at the October 16, 2002 meeting.

III. ADJOURNMENT

Jack Rhoda motioned to adjourn. KD Benson seconded. Motion carried by voice vote.

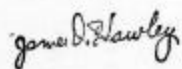
Meeting was adjourned at 6:00 p.m.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley, AICP
Executive Director